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OFFICE OF PETITIONS

In re Application of
Maguire
Application No. 10/715,383
Filed: November 19, 2003
Attorney Docket No. 84720 2712 KAW

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ON PETITION

This is a decision on the reconsideration petition under 37 CFR 1.53(e), filed April 26, 2004, requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed February 13, 2004.

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on November 19, 2003. On February 13, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioner that Figures 7-10 described in the specification appeared to have been omitted.

Applicant's first petition, filed February 19, 2004, was dismissed on April 21, 2004 because the Office was not in possession of adequate evidence of Figures 7-10's November 19, 2003 filing. In response to the April 21, 2004 decision, petitioner filed the present reconsideration petition. Petitioner requests that Figures 7-10 be accorded a filing date of November 19, 2003 on the basis that 4 sheets of drawing figures, including Figures 7-10, were received in the Patent and Trademark Office (PTO) on November 19, 2003.

In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing November 19, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 4 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 4 sheets of drawing figures were filed on November 19, 2003. MPEP 503. A review of the originally filed pages of drawings reveals that only 3 pages are present. Accordingly, the request is granted.

After the mailing of this decision, the application file will be returned to the Office of Initial Patent Examination for further processing, using the copy of Figures 7-10 (formal drawings) submitted with the first petition under 37 CFR 1.53(e), filed February 19, 2004.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, appearing to read "E. Shirene Willis". The signature is fluid and cursive, with the first letter "E" being large and stylized.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions